

REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (*i.e.*, Claims 13-29) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should be recalled that the present invention provides a mobile pallet for use with a freight container, which includes locking means at two sides of, and located at, either the leading edge or the trailing edge of the mobile pallet, so that a plurality of such mobile pallets stored inside such freight containers are maintained in a fixed position within the freight container for preventing movement in mutually perpendicular directions in a horizontal plane during transport. This feature is particularly important when the freight container is on a ship and is seaborne, however, the freight container need not be a sea freight container nor is the mobile pallet of the claimed invention required to be used in connection with water-based transport.

More particularly, the present invention, as now broadly claimed, provides a pallet for use with a freight container that is intended to be engaged against container walls, or an adjacent pallet within the same freight container, from at least one end and one side, so as to immobilize the pallet from movement within the container in mutually perpendicular directions in a horizontal X – Y plane. The invention thereby fully immobilizes the initial pallet (termed in the claims as the “pallet for use with a freight container”), so that the claimed pallet effectively becomes “one” with the freight container and any other pallets that may be surrounding, or adjacent to, the initial pallet.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel and efficient pallet for use with a freight container, which is engagable and lockable against a wall of the freight container, or an adjacent pallet within the freight container, so as to prevent movement during transport in mutually perpendicular directions in a horizontal X – Y plane, either disclosed or suggested.

Prior to a discussion of the present claim amendments and the applied prior art, Applicant and his Attorney wish to thank the Examiner for his allowance of Claims 25-29, as well as his helpful comments concerning Applicant's prior *Amendment* and how Applicant's remaining claims might now be placed in condition for allowance. As explained below, Applicant amended his claims with the Examiner's suggestions and comments in mind and now respectfully submits that Claims 13-24 are, likewise, in condition for allowance at this time.

By the present amendments, Applicant has amended independent Claim 13 to now recite that the locking means are provided --at two sides of, and located at, either the leading edge or the trailing edge-- of the primary pallet recited in the claims, which has now been termed the "pallet for use with a freight container" for distinguishing this pallet from the "adjacent" pallet mentioned elsewhere in the claims. In Applicant's prior *Amendment*, filed September 12, 2007, it was pointed out that "Pavlik neither discloses nor suggests a pallet as having locking means at either the leading edge or the trailing edge thereof." As part of the Examiner's rebuttal to Applicant's arguments addressing Pavlik, the Examiner pointed out that the locking mechanism of Pavlik is attached to an

underside of the pallet structure, which was readable on the applied reference, inasmuch as a pallet “edge” would not preclude a reading of the locking mechanism of Pavlik as being located in an “edge region.” Consequently, Applicant has amended independent Claim 13 (and Claims 14-24 via dependency) to now recite that the locking means of the claimed invention is provided “at two sides of,” and located “at,” either the leading edge or the trailing edge of the primary, or initial, pallet referred to in the claims.

Independent Claim 13 has further been amended to now recite that the locking means for the pallet for use with a freight container acts --for preventing movement [of the pallet for use with a freight container] in mutually perpendicular directions in a horizontal plane,” which takes into consideration the Examiner’s comments regarding the Seo citation and specifies the directions in which locking means of the presently claimed invention acts to immobilize the pallet for use with a freight container.

Non-substantively, Claims 13, 15, 18, 19, 21 and 22 have been amended to recite that the “pallet” primarily recited in these claims is the pallet --for use with a freight container-- in order to distinguish this “pallet” from the “adjacent pallet” also recited in the claims. Claim 21 has been further amended (by inclusion of the word “said”) to clarify that the “locking means” therein are the same “locking means” as recited in independent Claim 13. These non-substantive amendments are intended to address, and overcome, the Examiner’s 35 U.S.C. §112, second paragraph, indefiniteness rejection of the final Office Action, issued November 2, 2007.

In view of the foregoing non-substantive amendments of Claims 13, 15, 18, 19, 21 and 22, withdrawal of the Examiner's 35 U.S.C. §112, second paragraph, rejection is respectfully requested.

Applicant has also presented a new Abstract to overcome the Examiner's objection to the original Abstract of record.

Accompanying the present *Amendment in Response to the Final Office Action*, Applicant is filing a *Request for Continued Examination* and formal *Petition for a One-Month Extension of Time* for Response, along with remitting all required fees. Accordingly, the "finality" of the last Office Action should be withdrawn and the foregoing amendments presented herein entered, and considered on their merits, as a matter of right.

Turning now, in detail, to an analysis of the Examiner's prior art rejections, in the final Office Action the Examiner has again rejected independent Claim 13 (and various claims dependent thereon) as being anticipated, pursuant to 35 U.S.C. §102(b), by Pavlik, U.S. Patent No. 3,456,826. It is the Examiner's contention that Pavlik broadly discloses a pallet having a chassis, locomotion means in the form of rollers, and locking means, thereby disclosing the structural elements of Applicant's independent Claim 13 and dependent Claims 14, 18 and 14. As noted above, the Examiner has broadly interpreted Applicant's claims, as they read prior to the instant amendments, as allowing for the locking means of the present invention to be located at an edge "region," which the Examiner has stated in the latest Office Action would still be readable on Pavlik.

In reply to the Examiner's anticipation rejection applying Pavlik, the applied reference discloses a "free movable skid" that includes movable rollers (79, 81) on the sides of a pallet that lie against the side walls of a freight carrier. The rollers taught by Pavlik prevent the pallet from laterally swaying, or displacing, the carrier. The pallet disclosed by Pavlik further includes interlocking means (83) and braking means (89) for locking and braking the pallet to the floor, or ground, of the carrier for restraining the pallet against undesirable lateral and vertical movement. The interlocking means (83) and the braking means (89) of Pavlik are provided on the underside of the pallet.

It is again respectfully contended that Pavlik neither discloses nor suggests a pallet as having locking means "at" either the leading end or the trailing end thereof, in contrast to the present invention, as now broadly recited in amended independent Claim 13 ("locking means at two sides of, and located at, either the leading edge or the trailing edge of said pallet for use with a freight container for immobilizing said chassis within the freight container"), in which a pallet is claimed as having both side locking means and locking means at either the trailing end or the leading end of the pallet.

Applicant understands the Examiner's responsive comments (as presented at Pages 5 – 6 of the latest Office Action) as substantially agreeing with Applicant's analysis of the Pavlik reference, but holding that the claims, prior to the instant amendments, were still otherwise readable on the applied Pavlik citation. It is now respectfully contended that independent Claim 13, by more precisely specifying the location of the locking means of the present invention, avoids reading on Pavlik.

Applicant therefore submits that Pavlik neither anticipates, nor renders obvious, the present invention, as now recited in amended independent Claim 13 and, thus, withdrawal of the Examiner's 35 U.S.C. §102(b) anticipation rejection, which applies Pavlik, is respectfully requested.

Separately, the Examiner has rejected the subject matter of independent Claim 13, along with dependent Claims 14, 18, 21 and 24, as being anticipated, pursuant to 35 U.S.C. §102(b), by Seo, U.S. Patent No. 4,976,365, on the ground that Seo discloses (in FIG. 1) a pallet, locomotion means in the form of lower rollers, and locking means, including side rollers, as recited by Applicant prior to the presently-entered claim amendments, thereby anticipating the claims enumerated in the anticipation rejection.

In the Examiner's responsive comments to Applicant's prior claim amendments, the Examiner stated that, to the extent that the locking means of Sao would serve, at least to some degree, to immobilize the pallet therein in "certain directions," it is the Examiner's contention that independent Claim 13, prior to the instant amendments, would still be fairly readable on Seo.

In reply to the Examiner's anticipation rejection applying Seo, an analysis of Seo finds that this reference discloses a pallet with locomotion means that enables the pallet to be rolled into, and out of, a container. The pallet disclosed and suggested by Seo comprises a four-sided platform with automatic connecting and retracting means (20) located on one side, and coupling means (20') located on an opposite side of the platform, whereby the connecting and retracting means (20) of the first pallet interconnects with the

coupling means (20') of the second pallet, so as to interconnect the first and second pallets together.

The automatic connecting and retracting means and the coupling means taught by Seo should no longer be analogized to the "locking means" of the present invention, as now claimed (*i.e.*, the "locking means" of Claim 13 should no longer be deemed "fairly readable" on Seo), because the components of the pallet/container-integrated-pallet arrangement of Seo do not immobilize the pallet in Seo, when located within the container, "for preventing movement in mutually perpendicular directions in a horizontal plane," as now recited in Applicant's amended independent Claim 13. Seo does not immobilize the pallet within the container from mutually perpendicular directional movements in an X – Y horizontal plane, as Applicant now claims, but merely connects one pallet to another pallet, which is submitted to not effect the degree of immobilization of pallets, even if it could otherwise be argued that Seo inherently effects some degree of immobilization of the pallets therein via the connection of one pallet to another pallet.

Consequently, it is respectfully contended that Claim 13, and all claims dependent thereon, are neither anticipated by, nor obvious over, the teachings and suggestions of Seo and, thus, withdrawal of the Examiner's 35 U.S.C. §102(b) anticipation rejection, which applies Seo, is respectfully requested.

Again, Applicant appreciates the Examiner's detailed comments concerning Applicant's claim amendment entered September 12, 2007, and has taken the Examiner's comments into consideration when drafting the present amendments of Claim 13. The


Examiner is respectfully requested to telephone Applicant's Attorney if further amendments are deemed to be required for placing into allowance pending Claims 13-24.

In view of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application (*i.e.*, Claims 13-29) recite a novel and efficient pallet for use with a freight container, which is engagable and lockable against a wall of the freight container, or an adjacent pallet within the freight container, so as to prevent movement in mutually perpendicular directions during transport in a horizontal X – Y plane, which includes locking means at two sides of, and located at, either the leading edge of the trailing edge of the pallet, which is patentably distinguishable over the prior art. Accordingly, withdrawal of the rejection and the allowance of all claims now pending

in the above-identified patent application are respectfully requested and earnestly solicited.

Respectfully submitted,

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- Enc.: 1. Petition for One-Month Extension of Time for Response;
2. *Request for Continued Examination*, pursuant to 37 C.F.R. §1.114; and,
3. EFT for \$465.00 (*Request for Continued Examination* + One-Month Extension Fee).

The Commissioner for Patents is hereby authorized to charge the Deposit Account of Applicant's Attorney (Account No. 19-0450) for any fees or costs pertaining to the prosecution of the above-identified patent application, but which have not otherwise been provided for.